

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**

FEB 11 2013

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

Jaime L. Valle,

Plaintiff(s),

vs.

Law offices of Gil & Cruz

Rene Cruz,

Defendant(s).

Case No.

13cv1110

Judge Robert W. Gettleman

Magistrate Judge Sidney I. Schenkier

**COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS**

*This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.*

- This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
- The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
- Plaintiff's full name is Jaime Luis Valle.

*If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.*

4. Defendant, Rene Cruz, is  
(name, badge number if known)  
☐ an officer or official employed by \_\_\_\_\_;  
(department or agency of government)  
 \_\_\_\_\_ or

☒ an individual not employed by a governmental entity.

*If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.*

5. The municipality, township or county under whose authority defendant officer or official acted is Kane. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about 3/1/10 - 2/13/13, at approximately 1:30 ☐ a.m. ☒ p.m.  
(month, day, year)  
 plaintiff was present in the municipality (or unincorporated area) of

St. Charles, in the County of Kane,  
 State of Illinois, at Kane County Court House,  
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows *(Place X in each box that applies)*:

- ☐ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;  
☐ searched plaintiff or his property without a warrant and without reasonable cause;  
☐ used excessive force upon plaintiff;  
☐ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;  
☐ failed to provide plaintiff with needed medical care;  
☒ conspired together to violate one or more of plaintiff's civil rights;  
 Other:

inadequate / ineffective assistance of legal counsel

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: *(Leave blank if no custom or policy is alleged)*: \_\_\_\_\_

8. Plaintiff was charged with one or more crimes, specifically:

possession with intent to deliver

9. (Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other") The criminal proceedings

☐ are still pending.

☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.<sup>1</sup>

☒ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as

follows inadequate / ineffective assistance of counsel

☒ Other:

Basis of poor legal work

10. Plaintiff further alleges as follows: (Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)

Mr. Cruz never gave me any advice on what I needed to defend myself. Another lawyer was sent to my hearing to quash and suppress and they were very unprepared. I went to trial and again another lawyer was there unprepared to defend me. I was never asked to bring or show anything that would defend my case. Also Mr. Cruz never informed me he was seeking a seat in the 16<sup>th</sup> Judicial Court. which he took office in December 2012. Not one phone call, letter, or anything was ever said to

<sup>1</sup>Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

me about it. I feel I should have had an option to seek other legal counsel at that time. I wasn't being defended in a manner that I have the right to be.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

I was found guilty and I am pending sentencing.  
Feb. 13, 2013

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No NOT sure?

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: J. Valle

Plaintiff's name (print clearly or type): Jaime L. Valle

Plaintiff's mailing

address: 216 S. East Ave

City AURORA

State IL

ZIP 60505

Plaintiff's telephone number: (630) 851-2643.

Plaintiff's email address (if you prefer to be contacted by email): \_\_\_\_\_

15. Plaintiff has previously filed a case in this district. ☐ Yes ☒ No

*If yes, please list the cases below.*

*Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Jaime L Valle  
Plaintiff

v. Law Offices of Gil & Cruz  
Rene Cruz  
Defendant

Case Number:

Judge:

NOTICE OF MOTION

TO: Law Offices of Gil & Cruz c/o Rene Cruz  
605 N. Broadway Ave  
AURORA, IL 60505

PLEASE TAKE NOTICE that on \_\_\_\_\_ at \_\_\_\_\_, or as soon  
thereafter as I may be heard, I shall appear before the Honorable Judge

\_\_\_\_\_ or any judge sitting in his or her stead in Courtroom \_\_\_\_\_ of the U.S. District Court  
of the Northern District of Illinois, Eastern Division, 219 South Dearborn St., Chicago,  
Illinois and shall present the following motion attached hereto:

CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_, I provided service to the person or persons  
listed above by the following means:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plaintiff's street address

Jaime L. Valle

216 S. East Ave

City AURORA

State

IL

ZIP

60505

Plaintiff's telephone number

630-851-2643

Date: 2-4-13

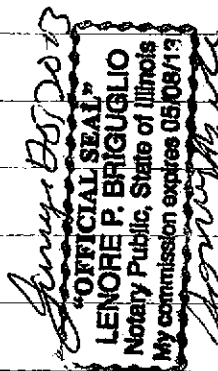
Jaime L. Valle  
Plaintiff

United States District Court  
Northern District of Illinois

v.  
Law offices of Gil + Cruz  
Rene Cruz  
Defendant

### COMPLAINT

- ① inadequate / ineffective assistance of counsel
- ② The basis of poor legal work.
- ③ Mr. Cruz was my hired attorney from March 2010-February 13, 2013 case #10CF2325. I was never given any advice as far as what I needed to do to defend myself in court. I had very little appointments with him. When I had a hearing to quash and suppress my evidence I was given another attorney that was not prepared. Again at my trial I was not defended properly as he sent another attorney who wasn't prepared. I was never asked to bring any documents in that could help me in my case nothing.
- ④ Mr. Cruz was seeking a seat in the 16<sup>th</sup> Judicial Court of Kane County during this whole time he was suppose to be representing me. I was never informed of this by mail, phone, or in person. I should have had a chance to get new legal counsel to represent me if I wanted to. I Feel he neglected my case in order to get seat which he did in Dec. 2012





⑤ I ask for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, loss of time with family.
- B. I seek Punitive damages for every day I've been incarcerated in the amount of \$100 daily X by the 12 month year.
- C. attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988

*J. Valle*

Jaime L. Valle

216 S. East Ave

Aurora, IL 60505

(630) 851-2643

Jaime L. Valle  
Plaintiff

United States District Court  
Northern District of Illinois

V.  
Law Offices of Gil + Cruz  
Rene Cruz  
Defendant

## Complaint

① Inadequate / ineffective assistance of counsel

② The basis of poor legal work.

③ Mr. Cruz was my hired attorney from March 2010 - February 13, 2013 case # 10CF2305. I was never given any advice as far as what I needed to do to defend myself in court. I had very little appointments with him. When I had a hearing to quash and suppress my evidence I was given another attorney that was not prepared. Again at my trial I was not defended properly as he sent another attorney who wasn't prepared. I was never asked to bring any documents in that could help me in my case nothing.

④ Mr. Cruz was seeking a seat in the 16<sup>th</sup> Judicial Court of Kane County during this whole time he was suppose to be representing me. I was never informed of this by mail, phone, or in person. I should have had a chance to get new legal counsel to represent me if I wanted to. I feel he neglected my case in order to get seat which he did in Dec. 2012

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C. attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988

J. Valle

Jaime L Valle  
216 S. East Ave  
Aurora, IL 60505  
(630) 851-2643

Jaime L. Valle  
Plaintiff

United States District Court  
Northern District of Illinois

V.  
Law Offices of Gil & Cruz  
Rene Cruz  
De Fonclant

### Complaint

- ① Inadequate / ineffective assistance of counsel
- ② The basis of poor legal work.
- ③ Mr. Cruz was my hired attorney from March 2010-February 13, 2013 case # 10CF8305. I was never given any advice as far as what I needed to do to defend myself in court. I had very little appointments with him. When I had a hearing to quash and suppress my evidence I was given another attorney that was not prepared. Again at my trial I was not defended properly as he sent another attorney who wasn't prepared. I was never asked to bring any documents in that could help me in my case nothing.
- ④ Mr. Cruz was seeking a seat in the 16th Judicial Court of Kane County during this whole time he was suppose to be representing me. I was never informed of this by mail, phone, or in person. I should have had a chance to get new legal counsel to represent me if I wanted to. I feel he neglected my case in order to get seat which he did in Dec 2012

⑤ I ask For the Following Relief:

- A. Damages to compensate For all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, loss of time with family
- B. I seek punitive damages For everyday I've been incarcerated in the amount of \$100 daily x by the 12 month year.
- C. attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988

J. Valle

Jaime L. Valle  
216 S. East Ave  
Aurora, IL 60505  
(630) 851-2643